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Attorneys for the United States of America

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

**UNITED STATES OF AMERICA and
CRAIG HARBIDGE, Revenue Officer,**

Petitioners,

v.

PAUL J. SHOLTZ,

Respondent.

E-filing

EC 07 4234
NO.

**VERIFIED PETITION TO
ENFORCE INTERNAL
REVENUE SERVICE SUMMONSES**

Petitioners, the **UNITED STATES OF AMERICA** and its Revenue Officer **CRAIG HARBIDGE**, allege and petition as follows:

1. This proceeding is brought and this Court has jurisdiction hereof under Sections 7402(b) and 7604(a) of the Internal Revenue Code (26 U.S.C. §§ 7402 and 7604).

2. Petitioner **CRAIG HARBIDGE** is and at all times mentioned herein was an employee and officer of the Internal Revenue Service of the United States Department of the Treasury authorized by the Secretary of the Treasury to perform the duties and take the actions described in Sections 7602 and 7603 of the Internal Revenue Code (26 U.S.C. §§ 7602 and 7603), under Treasury Regulations §§ 301.7602-1 and 301.7603-1 (26 C.F.R. §§ 301.7602-1 and 301.7603-1).

3. Petitioner **CRAIG HARBIDGE** is and at all times mentioned herein was attempting in the course of authorized duties to determine and collect certain federal tax liabilities of **Paul J. Sholtz** for the tax periods ending December 31, 2004, December 31, 2005,

FILED

AUG 17 2007

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HRL

1 and December 31, 2006 and for other federal tax liabilities of **Paul J. Sholtz** for the periods
2 ending March 31, 2001, June 30, 2001, and September 30, 2001.

3 4. Petitioner **CRAIG HARBIDGE** is and at all times herein was attempting in the
4 course of authorized duties to have respondent produce for inspection, examination and copying
5 by petitioner certain records possessed by respondent which are relevant and material to attempt
6 to determine and collect the aforementioned federal tax liabilities of **Paul J. Sholtz**, for the
7 periods stated in paragraph 3 above.

8 5. Respondent **Paul J. Sholtz**' last known address is 500 West Middlefield Road,
9 Unit Number 99, Mountain View, California, which is within the venue of this Court.

10 6. Petitioner **CRAIG HARBIDGE** is informed and believes that said respondent is
11 in possession and control of records, paper and other data regarding income and other matters
12 covered by said petitioner's inquiry and to which petitioners do not otherwise have access,
13 possession, or control.

14 7. On April 18, 2007, in accordance with law, petitioner **CRAIG HARBIDGE**
15 served a summons on respondent **Paul J. Sholtz** in respect to the subject matter described in
16 paragraphs 3, 4, and 6 above, by handing an attested copy of the summons to the respondent
17 **Paul J. Sholtz**. The requirements of said summons is self-explanatory, and a true copy thereof
18 is attached hereto as Exhibit A and is hereby incorporated by reference as a part of this petition.

19 8. On June 4, 2007, in accordance with law, petitioner **CRAIG HARBIDGE** served
20 a summons on respondent **Paul J. Sholtz** in respect to the subject matter described in paragraphs
21 3, 4, and 6 above, by leaving a copy of the summons at the last and usual place of abode of
22 respondent **Paul J. Sholtz**. The requirements of said summons is self-explanatory, and a true
23 copy thereof is attached hereto as Exhibit B and is hereby incorporated by reference as a part of
24 this petition.

25 9. The items sought by the summonses described in paragraphs 7 and 8 above are
26 relevant to and can reasonably be expected to assist in the determination and collection of the
27 above-mentioned federal tax liabilities of **Paul J. Sholtz** for the periods stated in paragraph 3
28 above. It was and now is essential to completion of petitioner's inquiry regarding the

1 determination and collection of the above-mentioned federal tax liabilities of **Paul J. Sholtz** for
2 the periods stated in paragraph 3 above that respondent produce the items demanded by said
3 summonses.

4 10. The respondent did not appear on May 18, 2007 or June 28, 2007, as requested by
5 the summonses.

6 11. As of the date of this petition, the respondent has failed to comply with the
7 summonses.

8 12. All administrative steps required by the Internal Revenue Code for issuance of the
9 summonses have been taken.

10 13. There has been no referral to the Department of Justice for criminal prosecution
11 of the matters described in the summonses.

12 **WHEREFORE**, having stated in full their petition against the respondent, petitioners
13 pray for enforcement of the subject summonses as alleged and set forth above, as follows:

14 A. That the named respondent herein be ordered to appear and show cause before
15 this Court, if any, why he should not be compelled by this Court under 26 U.S.C. § 7604(a) to
16 give such testimony and to produce such items as are required in the herein above-described
17 summonses;

18 B. That respondent be ordered by the Court to appear before the petitioner **CRAIG**
19 **HARBIDGE** or any other designated agent, at a time and place directed by the Court and then
20 and there give such testimony and produce such items as are required by the summonses; and

21 C. That the Court grant the petitioner **UNITED STATES OF AMERICA** its costs
22 in this proceeding and such other and further relief as may be necessary and proper.

23 SCOTT N. SCHOOLS
24 United States Attorney

25 

26 THOMAS MOORE
27 Assistant United States Attorney
28 Tax Division

VERIFICATION

I, **CRAIG HARBIDGE**, pursuant to 28 U.S.C. § 1746, declare and state as follows:

I am a duly employed Revenue Officer in the San Jose, California office of the Internal Revenue Service of the United States Treasury Department. I am one of the petitioners making the foregoing petition. I have read and know the entire contents of the foregoing petition, and all statements of fact contained in said petition are true to the best of my own personal knowledge and recollection, and as to those facts stated upon information and belief, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 17, 2007 at San Jose, California.

Craig Harbidge

CRAIG HARBIDGE



Summons

Income Tax Return

In the matter of Paul J Sholtz, 500 West Middlefield Road #99, Mountain View, California 94043

Internal Revenue Service (Identify Division) Small Business/Self Employed

Industry/Area (Identify by number or name) Small Business/Self Employed - California Area

Periods: periods ending December 31, 2004; December 31, 2005, December 31, 2006

The Commissioner of Internal Revenue

To: Paul J Sholtz

At: 500 West Middlefield Road #99, Mountain View, California 94943

You are hereby summoned and required to appear before Craig E. Harbidge, an Internal Revenue Service (IRS) officer, and/or his or her designee, to give testimony and to bring for examination the following information related to the tax liability of the person identified above for the periods shown:

All documents and records you possess or control about income you received for the years: periods ending December 31, 2004; December 31, 2005, December 31, 2006

These records and documents include, but are not limited to: Forms W-2 (Wage and Tax Statement), Forms 1099 for interest and dividend income, employee earnings statements, and records of deposit with banks or other financial institutions.

Also include all other books, records, documents and receipts for income from, but not limited to, the following sources: wages, salaries, tips, fees, commissions, interest, rents, royalties, alimony, state or local tax refunds, annuities, life insurance policies, endowment contracts, pensions, estates, trusts, discharge of indebtedness, distributive shares of partnership income, business income, gains from dealings in property, and any other compensation for services (including receipt of property other than money). Include all documents and records about any income you assigned to any other Person or entity.

IRS will use this information to prepare a federal income tax return for the following year(s) when you didn't file a return: 2004, 2005, 2006

We have attached a blank return to guide you in producing the necessary documents and records.

Do not write in this space

EXHIBIT A-1

Business address and telephone number of IRS officer before whom you are to appear:

55 S Market Street, Suite 610, San Jose, CA 95113 408 817-6432

Place and time for appearance: At 55 S Market Street, Suite 610, San Jose, CA 95113



IRS

Department of the Treasury
Internal Revenue Service

www.irs.gov

Form 6638 (Rev.10-2006)
Catalog Number 61828W

on the 18th day of May, 2007 at 2:00 o'clock P m.

Issued under authority of the Internal Revenue Code this 15th day of April 2007

Craig E Harbidge

Signature of issuing officer

Revenue Officer

Title

Signature of approving officer (if applicable)

Title

Original -- to be kept by IRS



Certificate of Service of Summons

(Pursuant to section 7603, Internal Revenue Code)

I certify that I served the summons shown on the front of this form on:

Date <u>04/18/2007</u>	Time <u>3:30 pm</u>
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How



I handed an attested copy of the summons to the person to whom it was directed.

Paul J. Sholtz

Summons

500 West Middlefield Road #99, Mountain View Ct 94043

Was



I left an attested copy of the summons at the last and usual place of abode of the person to whom it was directed. I left the copy with the following person (if any):

Served

Signature

Craig E. Harbidge

Title

Revenue Officer

EXHIBIT

A-2

I certify that the copy of the summons served contained the required certification.

Signature

Craig E. Harbidge

Title

Revenue Officer



Summons

Collection Information Statement

In the matter of Paul J Sholtz

Internal Revenue Service (Identify Division) Small Business/Self Employed

Industry/Area (Identify by number or name) Small Business/Self Employed - California Area

Periods: ending March 31, 2001; June 30, 2001; September 30, 2001

The Commissioner of Internal Revenue

To: Paul J Sholtz

At: 500 West Middlefield Road, #99, Mountain View, California 94043

You are hereby summoned and required to appear before Craig E. Harbidge, an Internal Revenue Service (IRS) officer, and/or his or her designee, to give testimony and to bring for examination the following information related to the collection of the tax liability of the person identified above for the periods shown:

All documents and records you possess or control regarding assets, liabilities, or accounts held in the taxpayer's name or for the taxpayer's benefit which the taxpayer wholly or partially owns, or in which the taxpayer has a security interest. These records and documents include but are not limited to: all bank statements, checkbooks, canceled checks, saving account passbooks, records or certificates of deposit for the period:

From January 1, 2007 To May 31, 2007

Also include all current vehicle registration certificates, deeds or contracts regarding real property, stocks and bonds, accounts, notes and judgments receivable, and all life or health insurance policies.

IRS will use this information to prepare a Collection Information Statement. We have attached a blank statement to guide you in producing the necessary documents and records.

Do not write in this space

EXHIBIT B-1

Business address and telephone number of IRS officer before whom you are to appear:

55 S Market Street, Suite 610, San Jose, CA 95113 408 817-6432

Place and time for appearance: At 55 S Market Street, Suite 610, San Jose, CA 95113



IRS

Department of the Treasury
Internal Revenue Service

www.irs.gov

Form 6637 (Rev.10-2006)
Catalog Number 250000Q

on the 28th day of June, 2007 at 2:00 o'clock P.m.

Issued under authority of the Internal Revenue Code this 4th day of June, 2007

Craig E Harbidge

Signature of Issuing officer

Revenue Officer

Title

Signature of approving officer (if applicable)

Title

Original - to be kept by IRS



Certificate of Service of Summons

(Pursuant to section 7603, Internal Revenue Code)

I certify that I served the summons shown on the front of this form on:

Date 06/04/07 Time 3:30 pm

How



I handed an attested copy of the summons to the person to whom it was directed.

Summons

Was



I left an attested copy of the summons at the last and usual place of abode of the person to whom it was directed. I left the copy with the following person (if any).

Served

Paul J Sholtz
500 W Middlefield Rd #99
Mountain View CA 95043

Signature

Craig E Herbage

Title

06/04/07

EXHIBIT B-2

I certify that the copy of the summons served contained the required certification.

Signature

Craig E Herbage

Title

Revenue Officer